IV. REMARKS

1.   The specification and abstract are amended. Figure 1 is amended. Claims 1, 8, 9 and 12 are amended, and claims 13-16 are new.

2.   Claims 1, 5, 8, 9, 11 and 12 are not anticipated by Angelo et al. (EP Patent Application No. 848,316) ("Angelo") under 35 U.S.C. §102(b).

Claim 1 recites "processing means for processing data provided in a specified format." Also recited are "control means for modifying one or more commands received into a format required by the processing means." These features are not disclosed or suggested by Angelo.

Angelo discloses a computer system having a plurality of nodes, one of which is adapted as an administrator node, the administrator node for securely receiving code information from a code provider disposed external to the network system and for securely sending the code information to at least one of the nodes. The aim is to provide a system for securely updating the BIOS code images associated with processor nodes.

However, Angelo fails to disclose the use of separate processing and control means. That is, for example, a smart card and a mobile terminal, respectively. There are no control means for modifying one or more commands received into a format required by the processing means. It should be noted that commands should not be confused with code information. Commands represent data sent to the processing means using origin-verified drivers in order to control the operation of the processing means.

Angelo also fails to disclose or suggest the features of "*a driver the origin of which is verified with the help of an electronic signature*" and "*one or more functions that control the operation of the processing means, which functions can only be initiated by the driver the origin of which has been verified with the help of the electronic signature*" recited in claims 1 and 9. Equivalent subject matter is also recited in claim 12.

Angelo merely describes, with reference to Col. 6, line 21 - Col. 7, line 10, a way of securely passing code information from a code provider. In Applicant's invention, as recited in the claims, there are one or more functions that <u>can only be initiated</u> by a driver the origin of which has been verified with the help of an electronic signature.

There is no teaching in Angelo that suggests that there would be functionalities in BIOS to segregate between the software components that act as the invokers of given functions, for example, pertaining to operating system services. Especially, no such segregation is performed pertaining to the origin and origin-verification of such software components. An expert on the field would not know how to apply the teachings of Angelo to arrive at an invention such as recited in claims 1, 9 and 12.

Thus, since each feature of Applicant's invention as recited in claims 1, 9 and 12, is not disclosed or suggested by Angelo, the claims cannot be anticipated.

Claims 5, 8 and 11 should be allowable at least in view of their respective dependencies.

3.   Claims 6 and 7 are not unpatentable over Angelo under 35 U.S.C. §103(a). Claims 6 and 7 should be allowable at least in

view of their dependencies on claim 1 for the reasons stated above.

4. Claims 2-4 and 10 are not unpatentable over Angelo in view of Fennell. Claims 2-4 and 10 should at least be allowable in view of their respective dependencies for the reasons stated above.
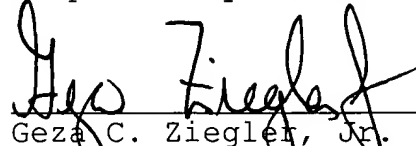
Fennell discloses a radio modem having application software stored therein, which receives upgrade information via over-the-air selective call messaging. The upgrade information comprises upgrade installation information and upgrade data. A microprocessor compiles the upgrade installation information and operates to upgrade the application software in accordance with the upgrade installation information and in response to the upgrade data. Likewise, application software in a computer connected to the radio modem can be upgraded by over-the-air information to the radio modem. Fennell fails to disclose the verifying of the origin of drivers using digital signatures.

Thus, claims 2-4 and 10 should be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

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Respectfully submitted,

(signature)

Geza C. Ziegler, Jr.
Reg. No. 44,004

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

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